



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,005	12/27/2000	Kyle Peltonen	13768.162	6416

22913 7590 06/12/2003

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2171

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,005

Applicant(s)

PELTONEN ET AL.

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 15-17, 24-27 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 15-17, 24-27 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to amendment filed 04/28/03.

1. *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13, 15-17, 24-27 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell et al. (U.S 6029164) (Birrell) in view of Gilmour et al. (U.S. 6115709) (Gilmour).

Regarding claims 1, 11 and 37, Birrell disclose: in a system including a data store (500 fig. 2 and corresponding text, Birrell), and a property store (400 fig. 2 and corresponding text, Birrell), wherein the data store is indexed by a content index using terms (250, fig. 2 and corresponding text, Birrell) that is built using terms gathered from objects contained in the data store (col. 10, lines 44-48, Birrell), a method for scoping a search of the data store in order to identify and return a desired subset of objects contained in the data store and doing so without accessing the property store (col. 10, lines 49-60, Birrell), wherein the search includes one or more terms (col. 9, lines 60-67, Birrell), the method comprising:

An act of including one or more identifiers in the content index whenever the content index is built and altered (col. 7, lines 64-66, Birrell), the one or more identifiers is implicitly included in a search of the content index (col. 7, lines 66 to col. 8, lines 10, Birrell);

Art Unit: 2171

An act of receiving a search request from a user for documents that include the one or more search terms (col. 9, lines 60-67, Birrell);

An act of identifying a first list of the content index that contains document identifiers, to facilitate scooping, the one or more search terms (col. 13, lines 35-45, Birrell);

An act of identifying a second list of the content index that contains document identifiers by using the one or more identifier from the content index (col. 10, lines 44-48, Birrell).

However, Birrell didn't disclose: An act of comparing the second list of document identifiers against the first list of document identifiers to identify a subset of document identifiers that appear in both the first and second lists, such that the subset of document identifiers can be returned without having to access to the property store. On the other hand, Gilmour disclose: An act of comparing the second list of document identifiers against the first list of document identifiers to identify a subset of document identifiers that appear in both the first and second lists, such that the subset of document identifiers can be returned without having to access to the property store (col. 20, lines 35-55, Gilmour). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps to compare two lists of document identifiers to identify a subset of document identifiers that appear in both lists and return the document identifiers without having to access to the property store in the system of Birrell as taught by Gilmour. The motivation being to enable the user to receiving message information from the property store that relate to user's mailbox only and reduce the time by accessing the mail system.

In addition, Birrell/Gilmour disclose: wherein the one or more scope restrictions are non-text (col. 12, lines 8-13, Birrell);

Art Unit: 2171

An act of adding at least one of the one or more scope restrictions to the search such that the one or more scope restrictions are implicitly included in a search of the data store (col. 7, lines 35-44, Birrell).

Regarding claims 2 and 13, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Birrell/Gilmour disclose: wherein the act of including one or more identifiers in the context index further comprises an act of building the content index (col. 7, lines 66 to col. 8, lines 10, Birrell).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Birrell/Gilmour disclose: further comprising an act of returning the subset of document identifiers without accessing the property store (col. 11, lines 29-38, Birrell).

Regarding claims 4 and 24, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Birrell/Gilmour disclose: wherein the act of comparing the second list of document identifiers with the first list of document identifiers further comprises an act of restricting the search based on the one or more identifiers (col. 18, lines 2-6, Gilmour).

Regarding claims 5 and 15, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Birrell/Gilmour disclose: wherein the one or more identifiers is a folder identifier (col. 10, lines 1-7, Birrell).

Regarding claims 6 and 16, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Birrell/Gilmour disclose: wherein the identifier is unique across the content index (col. 9, lines 28-36, Birrell).

Regarding claims 7, 17, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Birrell/Gilmour disclose: wherein the identifier is a Uniform Resource Locator (col. 12, lines 8-13, Birrell).

Regarding claims 8 and 25, all the limitations of these claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Birrell/Gilmour disclose: wherein the act of comparing the second list of document identifiers with the first list of document identifiers further comprises an act of intersecting the second list of document identifier with the first list of document identifiers to identify the subset of document identifiers (col. 20, lines 42-46, Gilmour).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Birrell/Gilmour disclose: further comprising an act of refraining from comparing the second list of document identifiers with the first list of document identifiers when the second list of document identifiers cannot reduce the first list of document identifier (col. 7, lines 1-10, Birrell).

Regarding claims 10 and 27, all the limitations of these claims have been noted in the rejection of claims 1 and 11, respectively. In addition, Birrell/Gilmour disclose: wherein the act of refraining from comparing the second list of document identifiers with the first list of

Art Unit: 2171

document identifiers when processing only the first list of document identifiers is more efficient (col. 20, lines 47-55, Gilmour).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claim 11. In addition, Birrell/Gilmour disclose: wherein the act of focusing the first list of document identifiers further comprises an act of identifying matching document identifiers from the first list of document identifiers and the second list of document identifiers, wherein the matching document identifiers are included in the subset list of document identifiers (col. 6, lines 10-14, Gilmour).

Regarding claim 33, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Birrell/Gilmour disclose: wherein the one or more identifiers are non-text (col. 12, lines 8-13, Birrell).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Birrell/Gilmour disclose: wherein the data store includes a mail store partitioned into a plurality of mailboxes (col. 5, lines 35-51, Birrell).

Regarding claim 35, all the limitations of this claim have been noted in the rejection of claim 34 above. In addition, Birrell/Gilmour disclose: wherein the one or more identifiers identifies a particular one of the mailboxes (col. 6, lines 49-57, Birrell).

Regarding claim 36, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Birrell/Gilmour disclose: wherein the first and second lists of document identifiers correspond to one or more message in the particular one of the mailboxes (col. 6, lines 27-38, Birrell).

3. *Response to Arguments*

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2171

4. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
June 6, 2003



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100